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LEGISLATIVE ASSEMBLY OF

THE PROVINCE OF ALBERTA

REPORT OF THE 1987 SELECT SPECIAL OMBUDSMAN SEARCH COMMITTEE

September 1987

This report is structured as follows:

A. Authority;

B. Selection Process;

C. Successful Candidate; and,

Appendix I

Appendix II

REPORT OF THE 1987 SELECT SPECIAL OMBUDSMAN SEARCH COMMITTEE - September 1987

A. AUTHORITY

On April 27, 1987, the Legislative Assembly of Alberta passed a motion appointing a Search Committee for the purpose of inviting applications for the position of Ombudsman and to recommend to the Assembly the applicant considered most suitable for appointment to that position.

The Committee was composed of the following members:

Chairman:	Mr. Greg Stevens, P.Eng., M.L.A. (Banff-Cochrane)
Deputy Chairman:	Mr. Fred Stewart, M.L.A. (Calgary North Hill)
Members:	Mr. Glen Clegg, M.L.A. (Dunvegan)
	Dr. Robert Elliott, M.L.A. (Grande Prairie)
	Mr. Derek Fox, M.L.A. (Vegreville)
	Mr. John Gogo, M.L.A. (Lethbridge West)
	Mr. Grant Mitchell, M.L.A. (Edmonton Meadowlark)

The Committee held its first meeting on April 28, 1987, met on a total of thirteen occasions, and concluded on September 3, 1987, including business meetings and meetings for personal interviews with candidates. The Committee is unanimous in its decision on the selection of the Ombudsman.

I wish to thank the members of the Committee and the staff of the Legislative Assembly, the Personnel Administration Office, and the Executive Search Consultant, who worked together throughout the Committee's important task of seeking out and recommending an Ombudsman for the Province of Alberta.

Committee members travelled to meetings on short notice throughout the summer and worked hard and well together to develop the nation-wide newspaper ad campaign, the position and person profiles, the Committee's budget, the selection of the Executive Search Consultant, screening guidelines, and to conduct and review the interviews themselves.

I know that I speak for the entire Committee when I acknowledge the work of Darwin Park of Woods Gordon, Grant Nicol of the Personnel Administration Office, and Louise Empson, Clerk's Office, Legislative Assembly. In addition, special mention must be made of the assistance of

Brian Black of the Personnel Administration Office, and Ann Quinn of the Clerk's Office, Legislative Assembly, who ably filled in on short notice. The assistance of the Public Service Commissioner, Jim Dixon, and Michael Ritter, Parliamentary Counsel, is also gratefully acknowledged.

B. PROCESS OF SELECTION

1. From its initial meeting on April 28, 1987, the Committee was able to obtain support staff and advice from the Legislative Assembly and from the Personnel Administration Office to assist the Committee in its search and selection process.

   A number of documents were developed for and approved by the Committee to aid in its work and these are included in Appendix I (Position Profile, Person Profile, and Budget).

   All candidates received the position profile and letters of acknowledgement of their candidacy.

   The newspaper ads were placed in ten Alberta daily newspapers and all Alberta weekly newspapers, as well as in thirteen national newspapers from coast to coast during the period May 8 - 17, 1987, with a closing date of June 2, 1987.

2. The Committee received 250 applications from across Canada, including 160 from within Alberta. Of the total, 40 candidates were female and 210 candidates were male. The Committee was impressed with the sincerity and the quality of the applications and established, with the assistance of the Executive Search Consultant and the Manager of Executive Search, Personnel Administration, criteria to decide on which individuals' submissions most closely met the requirements of the position. The Committee assigned the Executive Search Consultant to conduct preliminary interviews with 30 candidates the Committee identified for further consideration. Detailed reports on each of the 30 candidates were prepared and reviewed with the Committee, together with resumes and additional information. The Committee then selected 11 candidates for final interview by the Committee. At appropriate intervals, unsuccessful candidates were informed in writing and thanked for their applications.

3. The Committee interviewed the 11 finalists during a three day period in mid-August. Candidates were ranked according to the extent to which they appeared to meet the selection criteria and on this basis the Committee was unanimous in selecting a short list of four candidates for reference checks. After further review of all information available, the Committee identified a candidate for a second and final interview.

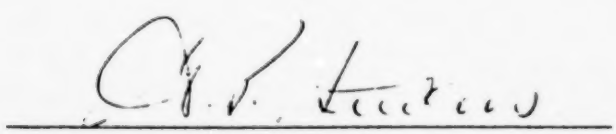
4. Upon completion of this second interview, the Committee unanimously agreed that Mr. Aleck Trawick should be recommended to the Legislative Assembly as the fourth Ombudsman of Alberta. Mr. Trawick was then contacted by the Chairman and advised of his selection. Following negotiations with the Public Service Commissioner and his staff, a contract with Mr. Trawick was negotiated and confirmed by the Committee for recommendation to the Speaker of the Legislative Assembly on September 3, 1987.

5. The proposed budget for the Committee totalled $82,950. Final costs are expected to be substantially less than the budget estimate.

C. SUCCESSFUL CANDIDATE

Mr. Aleck Trawick was selected unanimously by the Search Committee on September 3, 1987 as the recommended candidate for the position of Ombudsman effective October 1, 1987. As the Committee concluded its work when the House was not sitting, the Committee's recommendation was made to the Standing Committee on Legislative offices for recommendation to the Executive Council and final confirmation by the Legislative Assembly when it next sits.

Mr. Aleck's resume is attached in Appendix II. He was born in Regina and attended the University of Saskatchewan, where he received his Bachelor of Arts and his LLB. Upon completion of law school, he moved to Calgary, where he articled with the firm of MacLeod Dixon in 1970. Following two years with that firm, he joined the firm of Burstall and Company as a partner and successfully built this practice to its current 13-lawyer staff. Prior to his appointment, he was head of the litigation department of the partnership and has been a managing partner for five years. As part of his community responsibilities, he has focused attention on mental health issues and has held a number of significant executive positions, including President, Vice-President and Director of the Canadian Mental Health Association, Calgary Region, President of the Canadian Mental Health Association, Alberta Division, Vice-President of the Canadian Mental Health Association, National Office, and Member and Founding Vice-Chairman of the Calgary Regional Mental Health Advisory Council. He has served in various capacities with his professional association, provided professional advice to community organizations, and has received a number of awards for his professional, voluntary and community services. He is 42 to Beth and they have two children, Geoffrey and Richard, and has resided in Calgary since 1969. The Committee believes Mr. Trawick will bring strong communications skills, professional knowledge of law and investigatory procedures, administrative and management experience and high energy, youthful enthusiasm and a higher public profile to the Ombudsman office.



Greg Stevens, Chairman
on behalf of the
1987 Select Special Ombudsman Search Committee

OMBUDSMAN

LEGISLATIVE ASSEMBLY
OF ALBERTA

PERSON PROFILE

OMBUDSMAN

PROVINCE OF ALBERTA

It is desirable that candidates for the position of Ombudsman possess the following:

(A) PERSONAL QUALIFICATIONS

Wide experience in dealing with people.

Common sense, maturity, tact, perseverance, fairness, integrity, tolerance and sound judgement.

Demonstrated achievement in their chosen career.

Widely respected within their chosen career and in the community at large.

A high energy level and strong dedication to the Ombudsman's role.

(B) TECHNICAL/MANAGERIAL KNOWLEDGE/EXPERIENCE

Knowledge of Alberta and its people.

An understanding of the distinction between natural and legal justice.

A general knowledge and appreciation of the workings of a parliamentary system.

A knowledge of sound administrative, financial, human resource and management practice in the public and/or private sector is desirable.

A practical knowledge of law and familiarity with investigatory procedures would be highly desirable.

Senior management experience would be a definite asset.

Experience in developing effective relationships with the public and the media.

Experience in managing in a team-oriented environment.

(C) MANAGERIAL/PERSONAL SKILLS

(1) Communication Skills

(a) Speaking Ability

Ability to effectively express oneself in both individual and group situations.

(b) Listening Ability

Ability to pick out important information in oral communications.

(c) Writing Ability

Ability to express ideas in a clear, concise and grammatically correct manner.

(d) Reading Ability

Ability to acquire facts and comprehend meaning in written communications.

(2) Decision Making Skills

(a) Ability to Analyze

Ability to identify and interpret key elements of a situation, concept or problem including the information required.

(b) Judgement

Ability to evaluate situations and information and reach sound conclusions.

(c) Decisiveness

Readiness to make decisions.

(3) Administrative Skills

(a) Ability to Plan and Organize

Ability to effectively plan and organize one's own work and direct and assist others to plan and organize their work.

(b) Ability to Delegate

Ability to delegate tasks in a manner conducive to efficiency, effectiveness and subordinate development.

(c) Ability to Control

Ability to effectively use administrative controls for evaluation, auditing and monitoring functions.

(4) **Leadership/Personal Skills**

(a) Leadership

Ability in bringing a group or individual to effectively accomplish a task.

(b) Flexibility

Ability to modify approach and behaviour as required.

(c) Interpersonal Sensitivity

An awareness and consideration of the needs and feelings of others.

(d) Initiative

Ability to motivate oneself to take positive action.

(e) Tolerance to Stress

Ability to maintain expected performance levels under stress.

(f) Public Orientation

Ability to perceive and show positive reaction to current needs and future expectations of the public.

(g) Assertiveness

Ability to be firm and confident in actions.

(D) ACADEMIC PREPARATION

Due to the nature of the Ombudsman's position, there is no preference for any particular educational background.

(E) LEGISLATIVE REQUIREMENTS

Canadian Citizenship.

The Ombudsman may not be a member of the Legislative Assembly nor hold any office of trust or profit other than the Office of Ombudsman, or engage in any occupation for reward outside the duties of the Office.

1987 SELECT SPECIAL OMBUDSMAN

SEARCH COMMITTEE

BUDGET ESTIMATES

Advertising	$ 35,250.00
Printing	300.00
Stationery Supplies	500.00
Telephone & Telecommunications	500.00
Daily Indemnities (10 meetings x 7 x $100)	7,000.00
Travel - Committee Members	10,000.00
Travel - Applicants	5,000.00
Hosting (working lunches - 16 x $75)	1,200.00
Incidentals	200.00
Professional Fees	23,000.00
TOTAL	**$ 82,950.00**

May 12, 1987

LEGISLATIVE ASSEMBLY

ALBERTA

OMBUDSMAN

POSITION PROFILE

I. THE OMBUDSMAN ACT

In 1967, the Province of Alberta enacted legislation to establish the Office of Ombudsman. Alberta was the first jurisdiction in the Western Hemisphere to establish the role of Ombudsman and modeled the Office on the New Zealand experience. Section 2 of the Ombudsman Act states:

> 2(1) "There shall be appointed, as an officer of the Legislature, a commissioner for investigations to be called the Ombudsman".

The Ombudsman Act conferred upon the Ombudsman the authority to investigate any complaint relating to a matter of administration involving any department or agency of the Alberta Government. Over the years, the definition of agency has been changed so that the Ombudsman is now empowered to investigate any administration action of any body, all or a majority of whose members are appointed by legislation, or by order of the Lieutenant-Governor-in-Council (the Cabinet), a Minister of the Crown, or by any combination of these. In addition, the Ombudsman has the authority to investigate the administration of any corporation which is wholly owned by the Government of Alberta.

II. RELATIONSHIP TO THE LEGISLATIVE ASSEMBLY

The Ombudsman is an Officer of the Legislature. Communication with the Legislative Assembly occurs through the Select Standing Committee on Legislative Offices which was established in 1978 with responsibility for reviewing the operation of the Offices of the Ombudsman, the Auditor General and the Chief Electoral Officer.

The Select Standing Committee is comprised of members appointed from all parties in the Assembly. The Committee reviews the annual budget estimates; the reports issued by the Ombudsman, the operation of the Ombudsman's office and the salary paid to the Ombudsman. Should questions be raised regarding any of these matters, including issues raised on the Ombudsman's Special and Annual reports, the Chairman of the Select Standing Committee is in a position to advise the elected members. The Ombudsman meets with the Select Standing Committee during the year, as is necessary.

The Ombudsman may also liaise with individual members of the Assembly in relation to complaints lodged by constituents.

III. RESPONSIBILITIES

The major responsibilities of the Ombudsman are as follows:

1. Investigation

The Ombudsman is authorized to investigate almost any complaint against an Alberta Government department or agency, provided that the citizen has first attempted to resolve the problem.

It is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in their personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred.

Official complaints to the Ombudsman must be made in writing, although information is frequently provided in response to oral complaints. All complaints are reviewed by the Ombudsman to ensure they are within the Ombudsman's authority and are then assigned to a staff of senior investigators for review. All investigation reports are reviewed by the Ombudsman.

During the 1986 calendar year, 915 written complaints were received, representing a 12% increase over the 1985 calendar year.

While the primary focus of the Ombudsman's caseload comes as a result of complaints sent by citizens of the Province, the Ombudsman has also been given the authority to initiate an investigation on the Ombudsman's own motion, without need of a complaint.

Investigations may also be conducted by the Ombudsman upon the referral of a Committee of the Legislative Assembly, or of a Minister of the Crown.

2. Resolution of Complaints

The Ombudsman is responsible for reviewing all investigation results and deciding on an appropriate course of action. If the Ombudsman's investigation finds that the citizen has been treated improperly or unfairly, the Ombudsman may make recommendations as to how the problem should be resolved.

These resolutions, in accordance with the Ombudsman Act, include referring the matter to the appropriate authority for further consideration, rectifying the omission, cancelling or varying the decision, reconsidering the laws or practices on which the decision, recommendation, act or omission was based, giving reasons for the decision and recommending any other steps to be taken.

The Ombudsman shall report an opinion and the reasons for it to the appropriate Minister and the department or agency concerned. The Ombudsman may make any recommendation seen fit and in that case, may request the department or agency concerned to notify, within a specified time, of the steps, if any, that are proposed to give effect to the recommendations.

In summary, recommendations can be made to the Minister of the Department involved, the Executive Council and if necessary, to the Legislative Assembly. Usually, formal recommendations are not required, since departments and agencies are willing to resolve any justified complaint.

Complainants are informed of the results of investigations. If the Ombudsman feels that the actions of the department or agency were proper, the situation is explained to the citizen as well as the reasons why no further action is being taken.

During the 1986 year, 18.7% of complaints were found to be justified after investigation.

3. Management of Resources

The Ombudsman is responsible for a staff of 16 comprised of a solicitor, investigators, administrative management and support staff (see organization chart attached). The Ombudsman is responsible for the effective and efficient functioning of two offices, the central office in Edmonton and the Calgary office.

The Ombudsman is also responsible for overseeing the preparation and control of the Office budget. The total budget (manpower and operating) for the 1987-88 fiscal year is approximately $896,000.

4. Liaison and Education

The Ombudsman's duties in this area of responsibility are extensive and require considerable commitment in the course of fulfilling the Ombudsman's mandate.

The Ombudsman, in the course of an investigation, consults with Ministers, Elected Officials, Senior Officials of Departments and government employees. The Ombudsman also meets with a wide variety of persons including complainants, interest groups, the academic community and other persons whom the Ombudsman may feel can be of assistance in resolving complaints.

The Ombudsman also meets with senior officials of government departments to discuss matters of a general nature and hear the general concerns of senior government managers.

The Ombudsman will advise persons with complaints outside of the Ombudsman's jurisdiction as to other more appropriate sources of appeal.

IV. THE PERSON

It is desirable that candidates for the position of Ombudsman possess the following:

1. Personal qualifications

Wide experience in dealing with people.

Common sense, maturity, tact, patience, perseverance, fairness, integrity, tolerance and sound judgement.

Widely respected within their chosen career and in the community at large.

A high energy level and strong dedication to the Ombudsman's role.

2. Technical/Managerial Knowledge/Experience

Knowledge of Alberta and its people.

An understanding of the distinction between natural and legal justice.

A general knowledge and appreciation of the workings of a parliamentary system.

A practical knowledge of law and familiarity with investigatory procedures.

A knowledge of sound administrative and management practice.

3. Managerial Skills

A. Communication Skills

B. Decision Making Skills

C. Administrative, Financial and Human Resource Management Skills

D. Leadership/Personal Skills

4. Academic Preparation

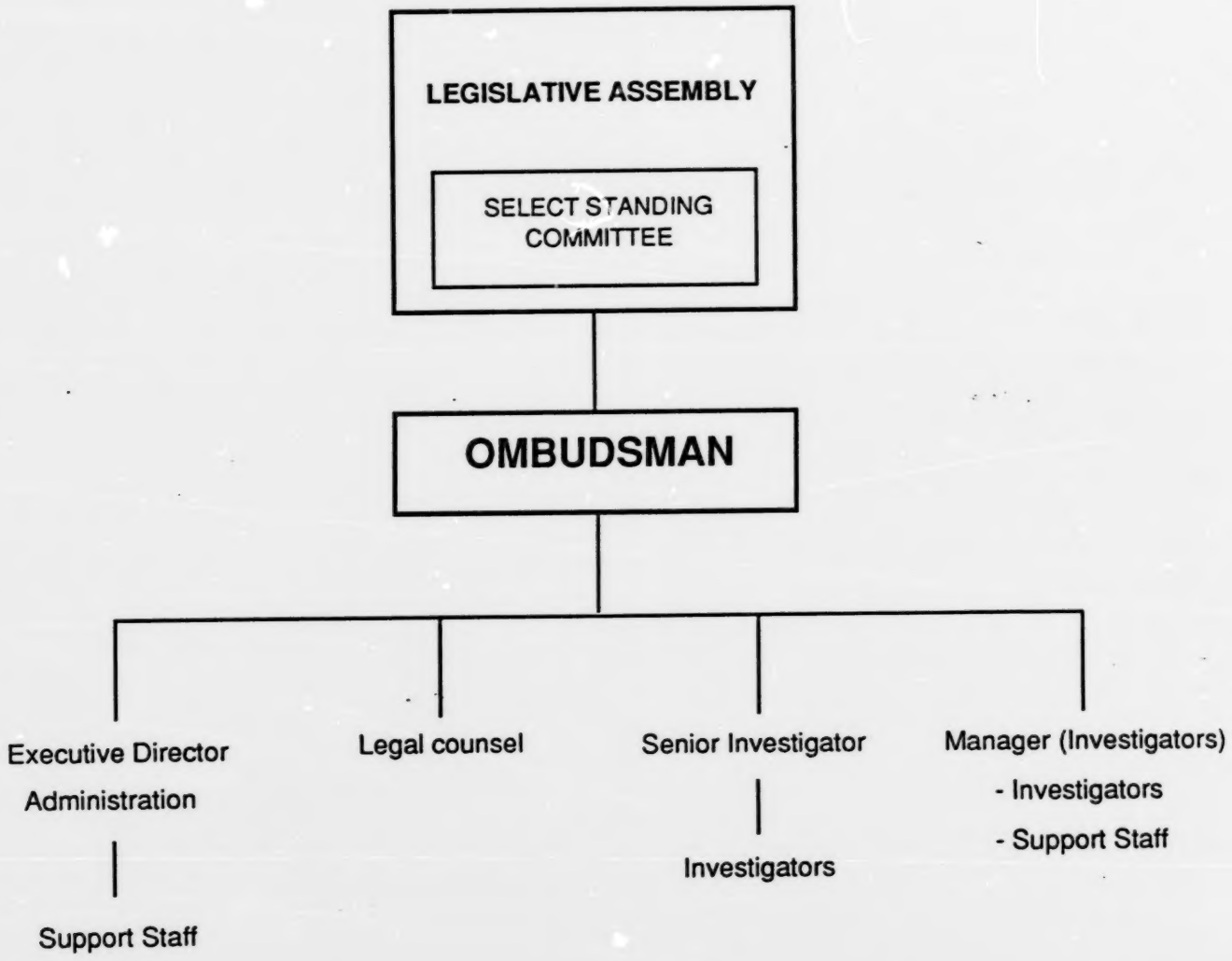
There is no preference for any particular educational background.

5. Legislative Requirements

Canadian Citizenship

The Ombudsman may not hold any office of trust or profit other than the Office of Ombudsman, or engage in any occupation for reward outside the duties of the Office.

ORGANIZATIONAL STRUCTURE



Total Staff - 16

LEGISLATIVE ASSEMBLY

ALBERTA

OMBUDSMAN

LEGISLATIVE ASSEMBLY OF ALBERTA

Canadians who have earned respect and recognition in their chosen fields and the community at large are invited to apply for the position of Ombudsman for the Province of Alberta.

The Ombudsman is charged with the responsibility, under the Ombudsman Act, to investigate the complaint of any persons who believe they have suffered an injustice through the actions or decisions of Departments, Agencies or Officials of the Government of Alberta. The Ombudsman carries out his/her duties through the management of a small group of professional and support staff and reports on the results of investigations to the Legislature.

The demands of this position require attributes that go beyond a specific discipline or academic achievement. It is desirable that the Ombudsman possess:

- wide experience in dealing with people from all walks of life
- knowledge of Alberta and its people
- common sense, maturity, tact, patience, perseverance, fairness, integrity, tolerance and sound judgment
- an understanding of the distinction between natural and legal justice
- a general knowledge and appreciation of the workings of the parliamentary system
- strong communication skills
- a practical knowledge of law and familiarity with investigatory procedures
- a knowledge of sound administrative and management practice, and
- a high energy level and strong dedication to the Ombudsman role.

The Ombudsman is appointed to a 5-year term and may be reappointed.

Salary is dependent on qualifications and experience.

Please address resumes and inquiries by June 2, 1987, to:

Chairman, Ombudsman Search Committee
Room 313, Legislature Building
Edmonton, Alberta
T5K 2B6

Search Committee

Chairman:
Mr. Greg Stevens, MLA, Banff-Cochrane

Vice-Chairman:
Mr. Fred Stewart, MLA, Calgary North Hill

Members:
Mr. Glen Clegg, MLA, Dunvegan
Mr. Robert Elliott, MLA, Grande Prairie
Mr. Derek Fox, MLA, Vegreville
Mr. John Gogo, MLA, Lethbridge West
Mr. Grant Mitchell, MLA, Edmonton Meadowlark

APPENDIX II

Aleck H. Trawick

2100, 801 - 6th Avenue S.W.
Calgary, Alberta T2P 1N2

RESUME

PERSONAL DATA:

Date of Birth:	June 17, 1945 Regina, Saskatchewan
	Married - two children
	Resident of Calgary since June 1, 1969
Address:	1415 Prospect Avenue, S.W. Calgary, Alberta T2T 0X7
Education:	Bachelor of Arts L.L.B., University of Saskatchewan - 1969

PROFESSIONAL QUALIFICATIONS AND EXPERIENCE:

Admitted to Bar - Alberta, 1970; Manitoba, 1986

Articled, 1969 - 1970 - Macleod Dixon, Calgary, Alberta. Principal - C.M. Leitch, Q.C.

Practiced, 1970 - 1972 - Macleod Dixon

1972 - present - Partner, Burstall & Co., Calgary, Alberta

Positions: Head of Litigation Department, Managing Partner (1979 - 1984)

COMMUNITY ASSOCIATION INVOLVEMENT

President - Lakeview Road Property Owners' Association, Invermere, British Columbia, 1985 - 1987

President - Mount Royal Community Association, 1987 - present

CHARITABLE ORGANIZATION INVOLVEMENT:

Canadian Mental Health Association, Calgary Region
Director: 1971 - 1980
Vice President: 1976 - 1978
President: 1978 - 1980

Canadian Mental Health Association, Alberta Division
President: 1982 - 1985

Canadian Mental Health Association, National Office
Vice President: 1985 - 1986

Calgary Regional Mental Health Advisory Council
Member and Founding Vice Chairman, 1974 - 1976

PROFESSIONAL ASSOCIATION INVOLVEMENT:

Law Society of Alberta
Instructor - Bar Administration Course, 1978 - 1979

Member, Civil Trial Lists Advisory Committee, 1975

Member, Civil Practice Advisory Committee, 1986 - present

Canadian Bar Association
Founding Chairman, South Alberta Civil Litigation Section, 1974 - 1976

Member, National Council, 1974 - 1978

Mid-Winter Meeting Committee
Member - 1972, 1974, 1976, 1978, 1980, 1982, 1984 and 1986

Mid-Winter Meeting Committee
Treasurer - 1978

Mid-Winter Meeting Committee
Chairman - 1980

National Conference Organizing Committee
Treasurer - 1979

GOVERNMENT APPOINTMENTS

Review Panel, Mental Health Act
Chairman, 1973 - 1974

AWARDS:

Canadian Merit Award, Outstanding Young Man - 1978

CHQR Radio Alberta, 75th Anniversary Citizenship Award - 1980

Canadian Mental Health Association, Merit Award for Dedicated Service as Volunteer - 1980

Canadian Mental Health Association, Alberta President's Award - 1979

Canadian Mental Health Association, Staff Award for Most Supportive Volunteer - 1978

Canadian Mental Health Association, Honorary Solicitor - 1981

Canadian Mental Health Association, Life Member - 1982

PROFESSIONAL EXPERIENCE WITH COMMUNITY ORGANIZATIONS:

Solicitor to:

The William Roper Hull Home

The Salvation Army Childrens Village